

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LARRY P. LOWELL, JR., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No.: 3:13-CV-229-TAV-CCS
)	
SUMMER BAY MANAGEMENT, L.C.,)	
SUMMER BAY PARTNERSHIP, and)	
JOE H. SCOTT, SR.)	
)	
Defendants.)	

ORDER

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge C. Clifford Shirley, Jr., on February 18, 2014 [Doc. 40]. In the R&R, Magistrate Judge Shirley recommended that the Court grant Plaintiff’s Motion for Class Certification [Doc. 18]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After a careful review of the matter, the Court is in agreement with Magistrate Judge Shirley’s recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 40]. Therefore, Plaintiff’s Motion for Class Certification [Doc. 18] is **GRANTED** and the proposed class is hereby certified as a class action. Accordingly, it is **ORDERED** as follows:

1. Attorneys Christopher T. Cain, Thomas S. Scott, Jr., of Scott & Cain, and W. Allen McDonald, of Lacy, Price & Wagner, P.C. are hereby **APPOINTED** as class counsel;
2. Defendants shall provide any records it may have evidencing the names and addresses of potential class members to class counsel within **thirty (30) days** of the entry of this Order; and
3. Class counsel shall send notice of this action to potential class members, pursuant to Rule 23 of the Federal Rules of Civil Procedure, within **ninety (90) days** of the entry of this Order.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE